



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 17, 2011

SUBJECT: BZA Case 18213, 1317 East Capitol Street, SE

I. OFFICE OF PLANNING RECOMMENDATION

The original application proposed to extend the existing deck by 11.4 feet. In a memorandum dated March 18, 2010, the Zoning Administrator's (ZA) office referred the applicant to the Board of Zoning Adjustment (BZA) for review and approval of the following variances, pursuant to 11 DCMR § 3102.3, from the following requirements:

- §403 (Lot occupancy – 82% proposed, 60% required);
- §404 (Rear yard - 14-feet average proposed, 20-feet required);
- §405 (Closed Court – 4.5 feet width/921 square feet area proposed, 5.0 feet width/350 square feet area required)
- §2001.3(a) (b)(2) - (Addition to a nonconforming structure provisions)

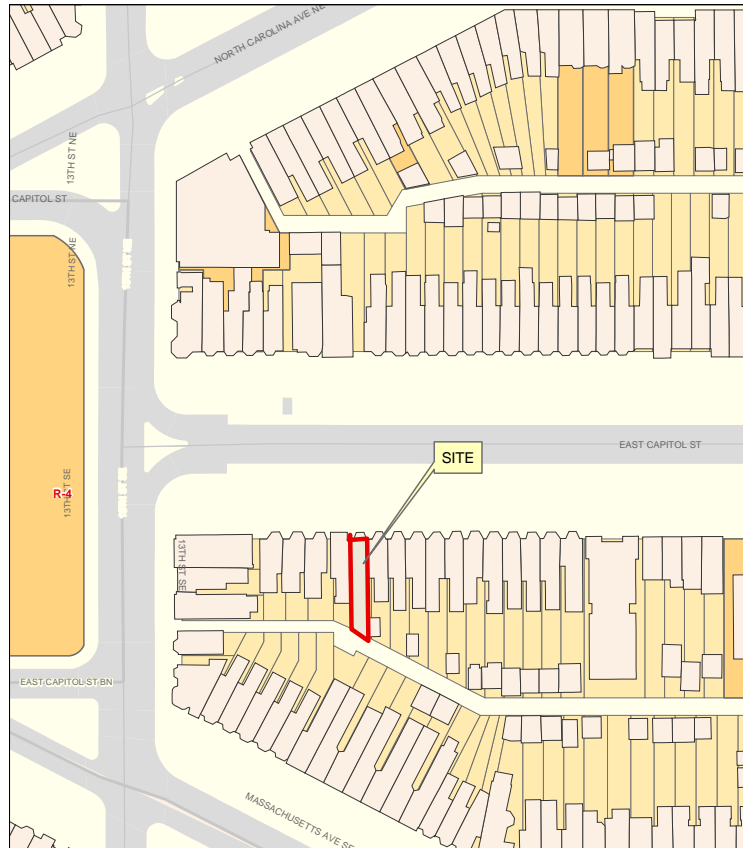
Subsequent to filing the application, the proposal was revised to reduce the extension which resulted in the reduction of the lot occupancy to 70% and the compliance with rear yard requirement. The trellis has also been eliminated which has resulted in elimination of the non-conforming closed court and the extension of the non-conforming open court. With the changes, the proposal can be reviewed as a Special Exception, pursuant to 11 DCMR §§ 3104 and 223. The Office of Planning (OP) recommends **approval** of the requested special exception to allow the extension of the existing deck by 7.8 feet.

II. AREA AND SITE DESCRIPTION

Address:	1317 East Capitol Street, SE
Legal Description:	Square 1036, Lots 129
Ward:	Ward 6, ANC-6B
Zoning:	R-4
Lot Characteristics:	The lot is nearly rectangular with an area of 2,933 square feet and is developed with a rowhouse. A 10 to 15-foot wide alley is to the rear of the property.
Adjacent Properties:	The property is surrounded on all sides by 2- to 3-story, single family rowhouses in the R-4 district.
Neighborhood Character:	The neighborhood is predominantly developed with 2- to 3-story, rowhouses and a few churches in the R-4 district
Historic Preservation:	The property is within the Capitol Hill Historic District.



IV. MAPS



Site Location



Pictures of Site

III. PROPOSAL

The applicant wishes to extend the existing deck an additional -- feet into the rear yard.

IV. HISTORIC PRESERVATION

The addition is not required to be reviewed by the Historic Preservation Review Board as the addition cannot be viewed from the adjacent or surrounding streets. The application will be reviewed by Historic Review Staff in the Office of Planning at the time of Building Permit.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width § 401	18 ft.	16.50 ft	16.50 ft.	Required (existing)
Lot Area § 401	1,800 sf.	1,342 sf.	1,342 sf.	Required (existing)
Lot Occupancy § 403	60% - MOR 70% - SE.	68%	70%	Required
Rear Yard § 404	20 ft. min.	24 ft. average (20 to 27 ft.)	21 ft. average (11 to 25 ft.)	None required
Open Court § 406	6 ft. width	5.6 ft.	5.6 ft.	Required
Parking Spaces § 2101	1	1	1	None required

VI. OFFICE OF PLANNING ANALYSIS

§ 223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The property is developed with a rowhouse in the R-4 zone and the lot area and lot widths are existing non-conformities that would not change with the extension of the deck. The addition and extension of the existing deck increases the lot occupancy from 68% to 70% which is beyond the 60% allowed in the R-4 district. The existing deck creates a 5.6 feet wide open court which, with the proposal, would be extended. Section 223 allows special exception review of the variations from the requirements, subject to the provision outlined in Sections 223.2 to 223.5.

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) *The light and air available to neighboring properties shall not be unduly affected;*
- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Along both side property lines are 6-feet high brick fences. The fence to the west is topped with a board fence in the vicinity of the deck which minimizes the visibility of the deck from or to the

¹ Information provided by applicant.

adjacent property. Currently, there is visibility of the neighbor's deck from the existing deck. It is not envisioned that the small extension of the deck will result in any change or negative impacts on that property. The deck addition would not impede light, cast shadows or block air circulation to adjacent properties.

- (c) ***The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and***

The addition would not be seen from East Capitol Street and therefore would not intrude on the character, scale or development pattern along this street. The deck can be viewed from the alley but only when the freestanding garage is open. Many of the houses along the alley have deck of similar size or larger.

- (d) ***In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.***

The applicant has provided graphical representations in the form of plans, photographs and drawings that sufficiently represent the proposed addition.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.***

The existing lot occupancy is 68% and would be increased to 70% which is above the 60% allowed by-right but allowed by this sub-section.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.***

The Office of Planning recommends no conditions or special treatments.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.***

The residential use of the property is a conforming use in the R-4 district.

VII. COMMUNITY COMMENTS

The proposal was reviewed by ANC-6B on Monday May 12, 2011 and voted to recommend approval of the requested special exception.

VIII. CONCLUSION AND RECOMMENDATION

The applicant proposes to expand the existing rear deck that is attached to the row dwelling in the R-4 district at 1317 East Capitol Street, SE. The minimal extension will not adverse effect on neighborhood properties. OP therefore recommends approval of the requested special exception.

JLS/mbr; Maxine Brown-Roberts - Project Manager